

PATENT
W&B Docket No.: INF 2008-US/PC
OC Docket No.: INFN/0037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Till Schlösser

Serial No.: 10/720,730

Confirmation No.: Unknown

Filed: November 24, 2003

For: DRAM CELL ARRANGEMENT
WITH VERTICAL MOS
TRANSISTORS, AND METHOD
FOR ITS FABRICATION

Group Art Unit: 2812

Confirmation No.: 2757

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING
37 CFR 1.8

I hereby certify that this correspondence is being deposited on
7-26-04 with the United States
Postal Service as First Class Mail in an envelope addressed
to: Mail Stop Missing Parts, Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450

7-26-04 Date [Signature] Signature

PETITION FOR FILING OF PATENT APPLICATION
WHEN ONE INVENTOR CANNOT BE REACHED TO EXECUTE PAPERS UNDER 37
C.F.R. § 1.47(a)

This Petition is submitted pursuant to 37 CFR § 1.47(a) due to the inability to locate of one of the inventors, Mr. Brian Lee, for execution of the declaration and other application papers in connection with the above-identified application. Enclosed along with this petition is a Statement of Pertinent Facts along with supporting documentation showing the diligent efforts made by outside counsel to Infineon Technologies AG to contact the non-signing inventor in connection with the declaration and other application papers.

The last known address of the non-signing inventor, Mr. Brian Lee, is as follows:

Holland Village, Building C30
19th Floor 19F-2, No. 175-9
Hsinchu
Taiwan, R.O.C.

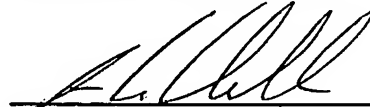
07/30/2004 AWONDAF1 00000006 200782 10720730

01 FC:1460 130.00 DA

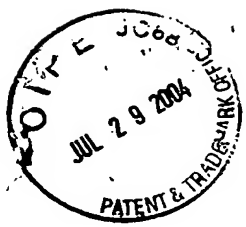
For the foregoing reasons, it is believed that sufficient basis has been established for filing this application absent Mr. Brian Lee's signature. Accordingly, granting of this Petition under 37 C.F.R. § 1.47(a) is respectfully requested.

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/INFN/0037 the fee of \$130.00 as required by 37 C.F.R. § 1.17(h) in accordance with 37 C.F.R. § 1.47(a).

Respectfully submitted,



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**STATEMENT OF PERTINENT FACTS AND
SUPPORTING DOCUMENTS UNDER 37 C.F.R. § 1.47(a)**

On April 14, according to our office's usual practice, I sent the Assignment and Declaration forms to the inventors Mr. Till Schlösser and Mr. Brian Lee. The address on file for Mr. Lee was

Holland Village, Building C30
19th Floor 19F-2, No. 175-9
Hsinchu
Taiwan, R.O.C

I sent the documents to Mr. Lee via DHL courier. On April 20, however, our office was contacted by the DHL freight service, explaining that their Taiwanese colleagues were unable to find Mr. Lee at the given address. Therefore, I instructed DHL to destroy the documents. (Exhibit A)

I then tried to send Mr. Lee an e-mail, using the last known e-mail address we had on file. This e-mail was returned with a "Failed Delivery" Notice. (See Exhibit B).

Moreover, I got in touch with our contact at Infineon Technologies AG responsible for administrating the addresses of the inventors. This contact gave me an address of Mr. Lee in New York. However, this address was already known to us from an older case and had in the meantime proved to be wrong. Also, our contact at Infineon Technologies AG informed me that, since Mr. Lee was no longer employed with Infineon, it would be difficult to find him, but promised me to try again and also to contact the co-inventor, Mr. Schlösser, to ask him whether he had any contact information.

In the meantime, I located the address of a Taiwanese firm (ProMOS Technologies Inc.), where Mr. Lee – according to our last information – was employed. Since we had the fax number of this company in our files, I sent a fax asking Mr. Lee to contact us if he was still there. However, there was no response from this fax number (See Exhibit C – Status: "Keine Antwort" = No Response).

On May 5, 2004, I again called our contact at Infineon Technologies AG to ask if they had any results. Our usual contact was on holiday, however, her colleague was able to provide me with the last known telephone number of Mr. Lee. When trying the phone number, I merely got an answering machine in Taiwanese and left a message in English after the tone. To date, there has been no reply.

The last course of action I took was to phone International Inquiries, trying to locate ProMOS Technologies. Since Brian Lee is rather a common name, I thought that the chances of locating him were better via the company he worked with. However, the person I spoke to at International Inquiries was not able to provide me with a current telephone number of ProMOS Technologies Inc.

Respectfully submitted,



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